



## **Policy on the Establishment and Functioning of Ward Committees**

<b>TITLE OF POLICY</b>	<i>Policy on the Establishment and Functioning of Ward Committees</i>				
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## 1. DEFINITIONS

In this *Policy*, unless the context indicates otherwise,

**"Chairperson"** means Ward Councillor of the *Municipality* appointed to chair *Ward Committee* meetings in terms of Section 73(2) (a) of the Municipal Structures Act 117 of 1999, as amended;

**"Counting Officer"** means a municipal official appointed by the Speaker to count the number of votes for nominated candidates for *Ward Committees*;

**"Electoral Officer"** means a municipal official appointed by the Speaker to administer and manage *Ward Committee* elections;

**"Individual"** means a person who represents a Sector of the Community on a *Ward Committee* and who:

- (i) is active in the sector or geographic area they represent;
- (ii) is committed to working for a better life for members of their constituency;
- (iii) Is registered on the municipal database for *Ward Committees* as such.

**"Municipality"** means the Nelson Mandela Bay *Municipality*, established in terms of Section 12 of the Municipal Structures Act 117 of 1999;

**"City Manager"** means the Accounting Officer, as defined in the Local Government: Municipal Finance Management Act 56 of 2003, who is the head of the administration of the *Municipality*;

**"Organisation"** means a body, group, or associations of natural or juristic persons that:

- (i) have an interest in any one or more of the sectors identified in a specific Ward;

- (ii) is formally constituted by means of a constitution or in terms of a law;  
and
- (iii) Has been formally registered as such with the *Municipality* in terms of the *Policy*.

**"Policy"** means the Nelson Mandela Bay Metropolitan *Municipality's Policy* on the Establishment and Functioning of *Ward Committees*;

**"PR Councillor"** means a councillor elected in accordance with section 22(1) (a) of the Municipal Structures Act 117 of 1999;

**"Presiding Officer"** means the person appointed by the *Electoral Officer* to preside over an election for a ward or wards;

**"Sector"** means a key area of interest or combination of areas of interests in a ward;

**"Speaker"** means as defined in the Municipal Structures Act 117 of 1999 means a councillor elected in terms of section 36 of the said Act, to be the *chairperson* of a municipal council as envisaged in section 160(1) of the Constitution of the Republic of South Africa, Act 109 of 1996;

**"Ward Committee"** means a Committee established in terms of section 72 and 73 of the Local Government Structures Act 117 of 1999, as amended;

**"Ward Councillor"** means a councillor elected in terms of Schedule 1 of the Local Government: Municipal Structures Act 117 of 1999 to directly represent a ward.

## **2. INTRODUCTION**

- 2.1 South Africa has a well-established *Policy* and legal framework for public participation and empowerment. Section 152 of the Constitution confirms a number of citizen rights and more specifically, the rights of communities to be involved in local governance.
- 2.2 In accordance with the National Framework, municipalities are obliged to encourage the involvement of communities and community *organisations* in local government. This extends to the entire way a *Municipality* operates and functions.
- 2.3 Accordingly, the *Municipality* adopts this *Policy* based on the principles of good governance and community participation as contained in, inter alia, the Constitution, chapter 4 of the Municipal Systems Act and the White Paper on Local Government which affirms the role of developmental local government that is committed to ensuring citizens participate meaningfully in finding sustainable ways to meet their social, economic and material needs.
- 2.4 The *Municipality* shall therefore, provide appropriate systems and support for *Ward Committees* in accordance with section 17(2) of the Systems Act, which stipulates that a *Municipality* must establish appropriate mechanism, processes and procedures to enable the local community to participate in the affairs of the *Municipality*.

## **3. PURPOSE**

- 3.1 The purpose of the *Policy* is to:
- (a) Give effect to the national legislative framework on public participation by creating an institutional framework to regulate the establishment and functioning of *Ward Committees*; and

- (b) Provide for matters that guide its processes, procedures, funding, and organization, thereby ensuring compliance and good governance.

#### **4. LEGISLATIVE FRAMEWORK**

- 4.1 The Constitution of the Republic of South Africa, Act 109 of 1996, in terms of Section 152(1) (e) places an obligation on local government to encourage the involvement of communities and community *organisations* in the matters of local government.
- 4.2 Sections 16 and 17 of the Local Government: Municipal Systems Act 32 of 2000 (Systems Act) gives effect to the constitutional mandate by providing for the development of a culture of community participation and making provision for the establishment of mechanisms, processes and procedures for community participation.
- 4.3 The Systems Act in terms of Section 4 imposes rights and duties on the councils of municipalities to consult local communities in matters pertaining to service delivery. It further imposes rights and duties on members of local communities (in terms of Section 5) to participate in the decision-making processes of a *Municipality* through recommendations, representations and complaints.
- 4.4 Section 72 of the Local Government: Municipal Structures Act 1 17 of 1999 ("Structures Act") provides for the establishment of *Ward Committees* in metropolitan municipalities, Part 4 of the Structures Act makes provision for the manner in which *Ward Committees* may be established, their powers and functions, the term of office of members, the filling of vacancies, the remuneration of *Ward Committee* members and the dissolution of *Ward Committees*. Section 73(5)(a)(c) and (d) of the Structures Act states that out-of pocket expenses by *Ward Committees* must be funded from the budgets of municipalities. Such expenses may

include, inter alia, transport, cellular phone airtime, meal allowances, and access to the internet.

- 4.5 The Systems Act, Section 16 (1) (c), further provides that municipalities must use their resources, and annually allocate funds in their budgets for community participation.
- 4.6 The National Framework: Criteria for Determining out of Pocket Expenses for *Ward Committee* Members (Notice 973 of 9 October 2009) stipulate the role of municipalities in supporting the functioning of *Ward Committees*. The framework further provides criteria to be used in reimbursing out-of-pocket expenses of *Ward Committee* members.
- 4.7 The White Paper on Local Government (LGWP) of 1998 (hereinafter referred to as "the White Paper") substantively outlines the strategic transformation vision for local government in South Africa and outlines four principle for community participation viz:
- (a) To ensure political leaders remain accountable and work within their mandate;
  - (b) To allow citizens (as individuals or interest groups) to have continuous input into local politics;
  - (c) To allow service consumers to have input on the manner services are delivered
  - (d) To afford organised civil society the opportunity to enter into partnerships and contracts with local government in order to mobilise additional resources.
  - (e) The White Paper accordingly implores municipalities to develop mechanisms to ensure citizen participation in *Policy* initiation and formulation, and the monitoring and evaluation of decision-making and implementation. Flowing from the Constitution of the Republic and the developmental local government vision as outlined in the White Paper; several transformative legislative prescripts were enacted and these are summarized below with a specific focus on community involvement and public participation. While the intention

is not to outline all crucial legislative provisions for purposes of clarity a succinctly overview is given.

- 4.8 The Local Government: Municipal Finance Management Act, 2003;
- (a) The Act is relevant to public participation to the extent that it promotes financial accountability and transparency. Financial matters must, in terms of the Act, be discussed at council meetings and included in annual reports, as such, section 127 (5) specifically states that municipalities must make public, and invite local communities to submit representation, immediately after their annual reports are tabled. It further state that in terms section 129 (3) municipalities must make their annual reports public within seven days of adoption of such a report.
  - (b) The Act further instructs the Accounting Officer (MM) in terms of section 22 (a) to oversee the process during which the budget is made public and must invite public responses on the budget. In line with the two requirements above, the Council has a collective obligation in terms of section 23 (1) to consider the views of the community with regard to the budget.
  - (c) The above is a high — level summary of key local government legislative prescripts guiding the local sphere of government to nurture a culture of inclusive governance and public participation. A proper understanding of these is crucial in order to appreciate the strategic importance of *Ward Committees*, albeit they are not the only mechanism to foster a culture of accountability, community involvement, open and transparent system of local government. Nelson Mandela Metropolitan *Municipality* should thus consider and where applicable, adopt the following principles to guide its processes towards deepening local democracy, fostering a culture transparency and accountability. It is also important to create a shared understanding of the basis of and the importance of community involvement and the following assumptions might provide a broad perspective.

## **5. OBJECTIVES OF WARD COMMITTEES**

5.1 The objectives of *Ward Committees* are as follows:

- (a) Creating formal communication channels and co-operative partnership between the *Municipality* and the communities within a Ward.
- (b) Creating harmonious relationships between the residents of Wards, *Ward Councillors*, the geographic community and the *Municipality*.
- (c) Facilitating public participation in the process of development, review and implementation of the Integrated Development Plan of the *Municipality*.
- (d) Acting as advisory bodies on Council policies and matters affecting communities in Wards.
- (e) Serving in officially recognized and specialized participatory structures in the *Municipality*.
- (f) Assisting Council through *Ward Councillors* to facilitate Council Programmes and make recommendations on matters affecting the Wards to the *Ward Councillors* and to Council.
- (g) Serving as mobilizing agents for community action and assist *Ward Councillors* in facilitating Council Programmes.
- (h) Monitoring development and advising *Ward Councillors* and the *Municipality* on the implementation process for Ward-based projects and discretionary funds.
- (i) Expressing the needs and concerns of the residents within Wards.
- (j) Identifying development priorities within Wards through the involvement of Ward residents.
- (k) Promoting accountability of the *Municipality* to the residents of Wards.

## **6. POLICY PRINCIPLES**

6.1 The *Policy* promotes the principles of:

- (a) Participation by communities in the affairs of the *Municipality*, directly and indirectly;
- (b) Equitable representation of sectors and key stakeholders on Ward-based structures.

6.2 Principles underpinning community involvement and public participation

- (a) Inclusivity each *Municipality* should be poised to allow for quality engagements with communities using different approaches in addition to *Ward Committees* and in that process there should be willingness to embracing all views and opinions in the process of community consultative processes.
- (b) Diversity In a community participation process: it is important to understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation. These differences should be allowed to emerge and where appropriate, ways sought to develop a consensus and therefore *Policy* development, budgeting and planning processes must build on this diversity.
- (c) Encouraging community participation: Capacity-building is the active empowerment of role players so that they clearly and fully understand the objective of public participation and may in turn take such actions or conduct themselves in ways that qualitatively contribute to achieve the delivery of the co-created vision of the *Municipality*.
- (d) Transparency: promoting openness, sincerity and honesty among all the role players in a participation process.
- (e) Flexibility: the ability to make room for change for the benefit of the participatory process. Flexibility is often required in respect of timing and methodology. If built into the participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.
- (f) Accountability: the assumption by all participants in a participatory process of full responsibility for their individual actions and conduct

as well as a willingness and commitment to implement, abide by and communicate as necessary all measures and decisions in the course of the process is a cornerstone of good municipal governance. The engagement should be characterised but a collectively shared spirit of reciprocity.

- (g) Trust, Commitment and Respect: Above all, trust is required in a public participatory process. Invariably, however, trust is used to refer to faith and confidence in the integrity, sincerity, honesty and ability of the process and those facilitating the process, Going about participation in a rush without adequate resource allocations will undoubtedly be seen as a public relations exercise and this is likely to diminish the trust and respect of community in whoever is conducting the process in the long term, to the detriment of any public participation processes.
- (h) Integration: the public participation processes are integrated into mainstream policies and services, such as the IDP process, service provision planning.

## **7. STATUS AND COMPOSITION OF WARD COMMITTEES**

### 7.1 Composition

#### 7.1.1 A *Ward Committee* must be constituted as follow:

- (a) The *Ward Councillor* of that particular Ward, who is also the *Chairperson* of that *Ward Committee*;
- (b) Not more than ten (10) members, elected in terms of the *Policy*; (c) The *PR Councillor*, who has been assigned to that Ward by the Speaker as an ex officio member with no voting rights;
- (c) An even spread of men and women, to ensure gender equity.

#### 7.1.2 The *Ward Committee* must reflect a fair distribution across the geographic area of the Ward.

#### 7.1.3 No *Organisation* may have more than one representative in a Sector on a *Ward Committee*.

- 7.1.4 No political party may be represented on a *Ward Committee*.
- 7.1.5 The Speaker will, in consultation with the Whips of the different political parties in Council, deploy *PR Councillors* as ex officio members to *Ward Committees*, where they must fulfil the following roles.
- (a) In consultation with the *Ward Councillors*, assist and complement the work of the *Ward Councillors* in the *Ward Committees*.
  - (b) Participate in the deliberations of the *Ward Committee*, but without the right to vote. .
- 7.1.6 *Ward Committee* meetings are open to interested parties, in an observer capacity only.
- 7.2 Term of Office of *Ward Committee* Members
- 7.2.1 Election and term of office of *Ward Committee* Members
- (a) Elections for *Ward Committee* members must be held within 90 days after the date of the local government elections.
  - (b) The term of the *Ward Committee* shall coincide with the term of office of the Council, and it will cease on the date of the Local Government Elections
- 7.2.2 *Ward Committee* members must be appointed / elected for a period not exceeding the term of office of the current Council.
- 7.2.3 Elected members may not stand for election for more than two (2) terms consecutively.
- 7.3 Powers, Functions, Duties and Obligations of *Ward Committees*
- 7.3.1 *Ward Committees* have the following powers, functions, duties and obligations:
- (a) Giving inputs towards the preparation, implementation and review of the Integrated Development Plan (IDP); and Budget processes.
  - (b) Monitoring and reviewing the *Municipality/s* performance, including the outcomes and impact of such performance;
  - (c) Participating in the drafting of the Municipality's Budget;
  - (d) Giving inputs on strategic decisions relating to the provision of municipal services;

- (e) Supplying inputs in the form of recommendations to the *Municipality* through the Ward Councillors;
- (f) Making recommendations on matters affecting their Wards through the Ward Councillors;
- (g) Acting in an advisory capacity to the Ward Councillors;
- (h) Acting as consultative bodies for the *Municipality* and its departments and provincial and national government, and canvassing community opinions on any matter;
- (i) Acting as consultative agents for non-governmental organizations and other not-for-profit *organisations*, without incurring any liability for the *Municipality*, unless the consultation is part of a specific official municipal project;
- (j) Co-opting members to *Ward Committees* in the event of vacancies;
- (k) Co-opting non-voting members with specialist skills to the *Ward Committees*.

7.3.2 The above functions and powers may not be interpreted as to permit interference with Council's right to govern and to exercise its executive and legislative authority.

#### 7.4 Code of Conduct of *Ward Committee* Members

7.4.1 *Ward Committee* members must adhere to the Code of Conduct, as set out in Annexure A.

#### 7.5 Convening of Meetings

7.5.1 Each *Ward Councillor* must convene a meeting of his/her *Ward Committee* at least once a month;

7.5.2 The Speaker will determine a list of dates when *Ward Committees* will meet for inclusion in the official municipal calendar.

7.5.3 *Ward Councillors* must decide on the venue, date and time of *Ward Committee* meetings, in consultation with *Ward Committee* members and the Office of the Speaker.

7.5.4 Notice of the time and place of every *Ward Committee* meeting must be served on every *Ward Committee* member at least 7 (seven) days before such meeting.

- 7.5.5 The validity of a meeting will not be affected if the notice of the meeting is accidentally not served on a member.
- 7.5.6 Every member attending a meeting must sign his/her name in the attendance register kept for this purpose.
- 7.5.7 In the event that a meeting cannot sit, a special meeting must be convened within seven (7) days.
- 7.5.8 The Office of the Speaker should be notified of the revised date of the meeting in the event of clause 9.5,7 being realized.
- 7.6 Quorum
- 7.6.1 A quorum of the *Ward Committee* shall be 50%, plus 1 (one) member of the *Ward Committee*.
- 7.6.2 If a quorum is not formed within ten minutes after the time appointed for a meeting, the meeting will not be held, unless it is decided by the *Chairperson* that a further ten minutes should be allowed to enable a quorum to be formed.
- 7.6.3 If a quorum is still not present after the extra time allowed by the *Chairperson*, the *Chairperson* may rule that the meeting be adjourned.
- 7.7 Decision-making
- 7.7.1 *Ward Committees* must strive to reach decision through consensus.
- 7.7.2 If a matter remains unresolved after thorough discussions, the matter must be decided by a vote.
- 7.7.3 If the votes are equal, the *Chairperson* must have the deciding vote.
- 7.8 Appointment of Acting *Chairperson*
- 7.8.1 If the *Ward Councillor* is unable to attend a *Ward Committee* meeting, the Speaker, in consultation with the *Ward Councillor*, will appoint a Councillor to chair the meeting.
- 7.9 Sub-committees of *Ward Committees*
- 7.9.1 Each *Ward Committee* may establish sub-committees to advise the *Ward Committee* on special issues handle sectorial matters or form working groups to research any matter that needs special attention in the Ward.

- 7.10 Roles and Functions of Ward Coordinators
- 7.10.1 The Councillor's Assistant will be the Secretary for the *Ward Committee*
- 7.10.2 The Secretary must oversee the minute-taking of *Ward Committee* meetings and be responsible for record-keeping.

## **8. ESTABLISHMENT OF WARD COMMITTEE SYSTEM**

- 8.1 *Ward Committees* must be established in all wards demarcated within the boundaries of the *Municipality*.
- 8.2 *Ward Committees* will come into effect once committee members have been elected, as determined by this *Policy*.

## **9. APPOINTMENT OF ELECTORAL TEAM TO COORDINATE WARD COMMITTEE ELECTIONS**

- 9.1 Appointment of Electoral, Presiding and *Counting Officers*
- 9.1.1 The Speaker, in consultation with the *City Manager*, will appoint an *Electoral Officer*, who must be a municipal official, to administer and manage the *Ward Committee* election process.
- 9.1.2 The *Electoral Officer* will in turn appoint a *Presiding Officer* to preside over an election for a Ward.
- 9.1.3 The *Electoral Officer* will appoint one or more *Counting Officers* for each of the municipal wards to manage and administer the *Ward Committee* elections in their respective wards.
- 9.1.4 A person may not be appointed as a Presiding or *Counting Officer* in a *Ward Committee* election if that person:
  - (a) Is a *Ward Committee* member contesting the election?
  - (b) Holds political or executive office in a political party.
- 9.1.5 The following offices must form part of the Electoral Team and support the *Electoral Officer* and *Presiding Officer*.
  - (a) Executive Mayor
  - (b) Office of the Speaker

- (c) Chief Whip
- (d) Constituency Services
- (e) Office of the Chief Operating Officer (Communications; IDP; *Policy*)
- (f) Safety and Security
- (g) Independent Electoral Commission, and
- (h) South African Police services

## 9.2 Functions of the *Electoral Officer*

### 9.2.1 The functions of the *Electoral Officer* are to:

- (a) Administer the nomination process for a general election of *Ward Committees*, normally held after the municipal elections, to be conducted in a fair and transparent manner;
- (b) Administer the nomination process in a fair and transparent manner when a vacancy in a *Ward Committee* occurs;
- (c) Create and maintain a database of all *organisations* that wish to participate in *Ward Committee* processes;
- (d) Declare a nominee/candidate as being elected or rejected.

### 9.2.2 The *Electoral Officer* may in writing delegate any of his/her administrative functions to a *Presiding Officer*.

- (a) The Speaker may at his/her discretion at any time replace the *Electoral Officer* and appoints a replacement, subject to:
  - (i) Fair administrative procedures being followed;
  - (ii) The replacement not being done due to the *Electoral Officer* fairly applying this *Policy*.

## 9.3 Appeals against Decisions by the *Electoral Officer*

### 9.3.1 Any appeal against a decision by the *Electoral Officer* must be directed to the Speaker in writing, with a copy to the *Electoral Officer*. In deciding the appeal, the Speaker must:

- (a) Apply his/her mind;
- (b) Not make a decision in contravention of the *Policy*;

- (c) Provide his/her decision, as well as reasons for such decision(s), in writing to the *Electoral Officer* and the appellant within one month of any appeal being lodged.

#### 9.4 Appeals against Decisions by the Speaker

- 9.4.1 Appeals against a decision of the Speaker must be done in writing and submitted to Council for a final ruling, subject to such ruling not being in contravention of this *Policy*.

### 10. **NOMINATION AND ELECTION OF WARD COMMITTEE MEMBERS**

#### 10.1 Procedure for Election of *Ward Committees*

- (a) The Municipal Manager should appoint a competent Manager or official to act as an Election Officer during the *Ward Committee* election.
- (b) The *Electoral Officer* should advertise a notice for the establishment of *Ward Committees* in all respective wards of the Nelson Mandela Metropolitan *Municipality* in the local newspapers and inviting nominations for *organisations*, sectors and geographical areas.
- (c) The *Electoral Officer* should ensure that in addition, other relevant means of communication should be used to communicate the establishment of *Ward Committees* to residents with each ward.
- (d) Where more than one election in a ward is to take place due to the ward's geographical nature, the number of *Ward Committee* members of each area where meetings will take place, should be determined proportionally according to the registered number of voters in terms of the voters roll) The nominations and elections should be conducted by the 'EC and *Electoral Officer*.
- (e) A minimum of not less than 5 (five) *organisations* or voting districts representatives, and [sectors should be elected as members of a particular *Ward Committee* whilst the balance should be elected from geographical block/areas.

- (f) The *organisations*/sectors eligible for election must have been operational in the particular ward for at least one (1) year and must within three (3) months after election submit to the Office of the Speaker and MMC Constituency Services a Constitution or official registration documentation.
- (g) The ratio between *organisations*/sectors and geographical block representation, also taking into consideration (f) above, must be properly canvassed and provided for in a council adopted *Policy* and such should be presented and agreed upon by the voters (public) contesting elections.
- (h) Only registered voters, whose names appear on the voters roll for the particular ward, should be eligible to participate in the elections of the particular *Ward Committee*.
- (i) An eligible voter must only make one nomination or second a nomination for an *organisation*/sector and/ geographical block respectively, and be supported by 20 signatures of 20 people appearing on the Voters Roll of the specific Ward.
- (j) Voting for members of a *Ward Committee* should take place by secret ballot, on pro-forma ballot papers prepared by the IEC.
- (k) A registered person can only vote for one *organisation*/sector and one geographical block representative during the election process of a particular *Ward Committee*.
- (l) If an *organisation*/sector is to be represented on the *Ward Committee* no other member of the executive of that particular *organisation*/sector should be eligible to be elected as a geographical block representative for the particular *Ward Committee*.

## 10.2 Representation of Sectors

10.2.1 An *Individual* or an *Organisation* that represent, inter alia, the following Sectors may stand to be elected as representatives of such Sectors during *Ward Committee* elections, subject to the provisions of the *Policy*:

10.2.2 The following Sectors represented by *Individuals* and/or Organizations, may form the basis for the composition of a *Ward Committee* if they exist in the relevant ward:

- (a) Agriculture
- (b) Business
- (c) Education
- (d) Environment
- (e) Faith and religious groups
- (f) Health and welfare
- (g) Informal traders
- (h) Non-governmental organizations (NGOs)
- (i) Persons with disabilities
- (j) Ratepayers
- (k) Senior citizens
- (l) Sports and culture
- (m) Traditional leaders
- (n) *Organisations* representing women
- (o) Youth

10.3 Eligibility Criteria for elections into a *Ward Committee*:

10.3.1 For an *Individual* and an *Organisation* representative to be eligible to participate in an election for a *Ward Committee*, they must:

- (a) Be registered on the *Municipality's Ward Committee Database*.
- (b) Be active within the boundaries of a Ward (as may be evidenced by the lodging of the *Organisations'* Annual General Meeting minutes, held within a period of **12 months** prior to the date set for the closing of the registration of *Organisations*, to the *Electoral Officer*).
- (c) Must reside within the relevant Ward
- (d) Must be a registered voter on the latest voter's role in that Ward;
- (e) Must have knowledge of the Sector which he/she will be nominated to represent on the *Ward Committee*•
- (f) Must be nominated as representing such Organization as specified in clause 9.1.3;
- (g) Must not be an employee of the *Municipality*;
- (h) An *individual* nominated must not have a conviction against him/her after February 2007 for an offence, for which was sentenced to imprisonment without an option of a fine for a period of less than 12

months. An *individual* must have a clean criminal record between February 2007 and February 2017.

- (i) Not be a person of unsound mind who has been declared so by a competent court;
- (j) A person nominated or elected should not have debt with the *Municipality* which is longer than 6 months without valid payment arrangements with the relevant authorities (Budget and Treasury) to settle or bring up to date the arrears.

10.3.2 Only persons who are 18 years and older and who are on the voters roll of that particular Ward may be nominated to serve as a member of the Ward Committee.

#### 10.4 Registration of *Individuals* and/or *Organisations*

10.4.1 Applications and nominations for *Individuals* and/or *Organisation* representatives to serve on a *Ward Committee* must be made no later than the date determined by the Speaker, and so registered on *Municipality's Ward Committee Database*.

10.4.2 A separate application and nomination must be submitted in respect of each Ward for whom the *Individual* and/or *Organisation* may wish to register.

10.4.3 All successful applications must be captured on the Municipality's *Ward Committee Database*.

10.4.4 Applications not containing the required details and attachments will not be processed and will be returned to the nominee that submitted such incomplete application, who will be so notified.

10.4.5 The Speaker and MMC Constituency Services must ensure the creation, maintenance and accessibility of the *Ward Committee* database,

10.4.6 The *Electoral Officer* must issue proof to all nominees that their nomination has been registered on the municipal database.

10.4.7 Organizations are entitled to register for more than one *Ward Committee*, provided they are active in the relevant wards.

10.5 The Independent Electoral Commission(IEC) Call for Nominations

10.5.1 The *Electoral Officer* must, in accordance with the timeframes determined by the Speaker, call for nominations by means of:

- (a) A notice at the Council office and other strategic points;
- (b) Notification in writing or by electronic transmission to the *Organisations* registered on the *Municipality's* database;
- (c) Any other means deemed appropriate by the *Electoral Officer*.

10.5.2 Such notice must indicate:

- (a) The date and time by which nominations must be submitted;
- (b) The venue(s) at which the nominations must be submitted;
- (c) The qualifying criteria of *Ward Committee* members;
- (d) The venue(s) at which information and the required forms may be obtained.

10.5.3 Only *Organisations* that are registered on the *Municipality's* database on the closing date for the registration of *Organisations*, as determined by the Speaker may nominate a candidate(s) to represent a Sector on a *Ward Committee*.

10.5.4 The nomination of an *Individual* and/or *Organisation* must:

- (a) Be done on the prescribed nomination form;
- (b) Contain a copy or extract of the minutes of a duly constituted meeting of such *Organisation* stating:
  - (i) The name(s) and identity number(s) of the person(s) authorized to sign the nomination form on behalf of such *Organisation*; and
  - (ii) The name and identity number of the person nominated to represent such a Sector on the *Ward Committee*;
- (c) Include a letter from the nominated person confirming his/her acceptance of the nomination;
- (d) Not exceed one (1) candidate per Sector in the case of *Organisations*;
- (e) Be submitted in a sealed envelope at designated offices of the
- (f) *Municipality*, by not later than 16:00 on the closing day for nominations, as determined by the Speaker.

10.5.5 Upon receipt of the nomination(s), a written receipt must be issued to the person delivering the nomination envelope. The receipt must indicate:

- (a) The name of the official receiving the nomination envelope;

- (b) The date and time it was received-
  - (c) The Ward number and the name of the *Individual* and /or *Organisation's* candidate submitting the nomination envelope, and for which Sector it is submitted;
  - (d) The name and contact telephone number of the person who had submitted the envelope.
- 10.5.6 A copy of the receipt must be retained by the *Electoral Officer* or his/her representative.
- 10.5.7 Upon receipt of the nomination envelopes, at least two officials appointed by the *Electoral Officer* must check that the necessary registration documentation has been submitted by the nominee.
- 10.5.8 At the end of the nomination process, the *Presiding Officer*, must submit a report containing the following information to the *Electoral Officer*:
- (a) A list of nomination envelopes received, indicating:
    - (i) The name of the *Individual* and/or *Organisation* that submitted the nomination;
    - (ii) The date on which it was submitted;
    - (iii) For which Ward and Sector the nomination was submitted;
- 10.5.9 On the day immediately following the closing day for nominations the sealed nominations together with a signed report referred to in 10.40 must be submitted to the *Electoral Officer* for opening in the presence of the Electoral Team.
- 10.5.10 Nominees
- (a) Only persons who are 19 years and older and who are on the voters roll of that particular ward may be nominated to serve as a member of the *Ward Committee*.
- 10.6 Rejection of Nominations
- 10.6.1** The *Electoral Officer* must reject any nomination not complying with the requirements specified in **Clause 10.3**
- 10.6.2 The *Electoral Officer* must inform the Speaker and any *Individual* and/or *Organisation* in writing of such rejection, and the reasons for such rejection and afford the *Individual* and/or *Organisation* not more than seven (7) days to correct such defective nomination.

- 10.7 Verification of Registration and Nomination of *Individuals* and Organizations on Database
- 10.7.1 After registration on the municipal *Ward Committee* database closes, a period will be granted during which nominees must check that the nominated *Individual* and/or *Organisation* appears on the final list of registered *Individuals* and *Organisations* - which will be posted at designated offices.
- 10.7.2 Should nominated *Individuals* and/or *Organisations* not appear on the final register, such nominee(s) must inform the Office of the Speaker and provide proof of registration.
- 10.8 Setting of Dates by Speaker
- 10.8.1 Within forty (40) days after the adoption of the *Policy* by Council, or within forty (40) days after a general municipal election, the Speaker must, in consultation with the *Electoral Officer*, set dates by which:
- (a) The registration and nomination of *Individuals* and/or *Organisations*
  - (b) Will close prior to the general election process;
  - (c) The respective *Ward Councillors* will recommend to the Speaker the Sectors to be represented in their Wards, as well as the number of representatives per Sector;
  - (d) The names of the successful *Ward Committee* members will be announced and displayed at designated municipal offices;
  - (e) Applications for registration on the municipal database of *Individuals* and/or *Organisations* may be accepted again after the completion of the general nomination process.
- 10.8.2 Subject to Clause 9.4.1, the Speaker, in consultation with the *Electoral Officer*, must within 10 working days after being notified of the occurrence of a vacancy in a Sector of a *Ward Committee*:
- (a) Determine a date by which the registration of *Individuals* and/or *Organisations* will close for the relevant Sector in the relevant Ward;
  - (b) Determine a date by which nominations to fill the vacancy in that Sector must be submitted by registered *Individuals* and *Organisations*;

- (c) Announce and display the names of the successful Ward
  - (d) Committee member(s) at the respective municipal office(s);
  - (e) Determine a date by which the registration of *Individuals* and *Organisations* will be allowed again in the relevant Ward.
- 10.8.3 The Speaker may delegate the functions listed under Clause 9.7.2 to the *Electoral Officer*.
- 10.8.4 In the event of a vacancy arising in a seat that was previously contested, said seat will be filled by the next ranked nominee, until such list of nominees is exhausted.
- 10.9 Representatives of Sectors per Ward
- 10.9.1 When recommending and determining Sectors and the related number of representatives in each Ward, the *Ward Councillor*, MMC Constituency Services and the Speaker must consider the following:
- (a) The demographics of the relevant Ward and communities within that Ward.
  - (b) The representation of women and persons with disabilities.
  - (c) The representation of *Individuals* (determined by number of
  - (d) Nominations received) and/or *Organisations*.
  - (e) Any other relevant characteristic of the Ward.
- 10.9.2 The Speaker will, in consultation with the *Ward Councillor*, prepare and/or amend a list of Sectors for which *Individuals* and / or *Organisations* may be elected representatives and submit it to Council.
- 10.9.3 Where the Speaker, in consultation with the *Ward Councillor*, has decided to cluster different Sectors into one Sector for representation purposes in a *Ward Committee*, the *Electoral Officer* must, as soon as possible after that meeting, contact the representatives of the affected *Organisations* and/or nominated *Individuals* and inform them:
- (a) That Council has decided that the affected *Organisations* and/or *Individual* for such Ward must be clustered into one Sector for representation purposes;
  - (b) Of the contact details of all affected *Organisations* and/or *Individuals*;
  - (c) Of the number of representatives allocated to such combined sector.

- 10.10 Amendment to List of Sectors per Ward
- 10.10.1 Should a request be received from a *Ward Councillor* or *Ward Committee* that Council should, subject to Para. 9.2 add or subtract a Sector to be represented on a specific *Ward Committee*, the *City Manager*, in consultation with the Speaker, must:
- (a) Determine the date on which Council will consider the request; and
  - (b) Inform the members of the affected *Ward Committee* of that Council meeting and its purpose and request their written comments for submission to Council at its meeting.
- 10.10.2 Should Council accede to the request, the *City Manager* must:
- (a) not later than five (5) working days after the meeting of Council request the Speaker to provide dates for nominations for that Sector;
  - (b) On receipt of such dates from the Speaker, initiate the nomination process for a Sector representative.
- 10.10.3 Council may add a Sector to a *Ward Committee* only if the total number of representatives on the relevant *Ward Committee* is fewer than ten.
- 10.10.4 Should a request be received from the *Ward Councillor* or the *Ward Committee* to combine an existing Sector already represented on the *Ward Committee* with a new or other Sector, or amends the combination of Sectors in a *Ward Committee*, the *City Manager* must:
- (a) Prepare a report in this regard for the next Council meeting; and
  - (b) Inform the affected *Ward Committee's* members of that Council meeting and request their written comments for consideration by Council.
- 10.10.5 Should Council approve the request, the *City Manager* must:
- (a) Inform the existing representatives of such Sectors that they will no longer represent the Sector as from the date of the Council meeting at which the Sector was amended.
  - (b) Initiate the prescribed nomination process to fill a vacancy for the new Sector in a *Ward Committee*, as prescribed by this *Policy*.
- 10.11 Election of Sector Representatives
- 10.11.1 Where more nominations than the available vacancies have been received for a Sector within a Ward, an election must be held for a Sector

representative(s), which election must be presided over by a *Presiding Officer*.

10.11.2 The voting procedures will be as follows:

- (a) A *Presiding Officer* must be appointed by the *Electoral Officer*.
- (b) Different *Ward Committees* may have the same *Presiding Officer*.
- (c) A meeting of all representatives of *Organisations* that need to elect Sector representatives for a specific *Ward Committee* must be called by the *Presiding Officer*. At this meeting, the election procedures will be explained to all the representatives of the different *Organisations*.
- (d) The *Presiding Officer* will, prior to engaging in elections, attempt to resolve the multiple nominations by attempting to reach consensus amongst the nominees and/or representatives.
- (e) In the event of consensus not being reached, the meeting will then at the same venue break into different meetings of the various Sectors, where a separate election will take place for every Sector.
- (f) The *Presiding Officer* must, for each Sector election, read out the names of each person nominated as Sector representative, as well as the nominator of the representative.
- (g) After the names of nominated representatives have been read out by the *Presiding Officer*, he/she must request the *Individual* and/or *Organisation* representative present at the meeting to vote for the nominated persons by means of a show of hands.
- (h) The *Presiding Officer* must record the number of votes for each nominee, while listing the votes received per nominee from the highest to the lowest.
- (i) The *Presiding Officer* must declare the person(s) receiving the most votes as being elected to fill the available vacancies
- (j) Where persons nominated have received the same number of votes and there is still a vacancy remaining to be filled, the *Presiding Officer* must read out the names of only the persons nominated and those who received the same number of votes.
- (k) The *Presiding Officer* will then again request the nominees to vote for each name read out, by means of a show of hands.

- (l) The *Presiding Officer* will again record the number of votes for each person, while listing the votes received per nominee, from the highest to the lowest.
- (m) Hereafter, the *Presiding Officer* will declare the person(s) receiving the most votes as being elected to fill the available vacancies.
- (n) Where one or more Sector representative(s) are successfully elected, but vacancies still remain, this procedure must be repeated until a conclusive result is reached, or no persons are successfully elected to the vacant positions as a result of a round of voting, due to nominated persons receiving the same number of votes.
- (o) The *Presiding Officer*, in the event of a vacancy or vacancies still remaining, must then write the names of the nominated persons who received the same number of votes on separate, indistinguishable pieces of paper, show these to the voters, fold the papers containing the names so that the names cannot be seen, put the names into a container and request the Ward Councillor or one of the *Organisations* to draw as many names from the container as there are vacancies available.
- (p) The *Presiding Officer* then reads out the name(s) on the drawn piece(s) of paper and declares that person(s) duly elected to fill the vacancy or vacancies.
- (q) After all Sector representatives have been elected; the *Presiding Officer* will issue a signed certificate in this regard to all elected Sector representatives.
- (r) The *Presiding Officer* will then forward a duplicate of these certificates to the *Electoral Officer* for his records, as well as to the *City Manager*.

10.12 Notification of Successful Sector Candidates

10.12.1 The *Electoral Officer* must provide the Speaker and the Municipal Manager with a list containing the names of the successful candidates for each *Ward Committee*.

10.12.2 The *Electoral Officer* must provide the *City Manager* with an appointment letter for each successful candidate.

- 10.12.3 The *City Manager* must:
- (a) Display the list of names of successful candidates in a conspicuous place at municipal offices and, at the discretion of the Speaker, advertise the names of such elected members in a local newspaper;
  - (b) Inform the successful candidates when and where the first *Ward Committee* meeting will be held;
  - (c) Arrange for the successful candidates to receive their letters of appointment;
  - (d) Provide each successful candidate with a copy of the *Policy*; and (e) Inform every registered *Organisation* represented by a successful candidate of the name and contact details of the candidate.

10.12.4 The Speaker will submit the list of the successful candidates to Council for notification.

## 10.13 Record-keeping

10.13.1 The *Electoral Officer* will keep the records of nominations, and ballot papers that may have been used, in a safe place for 1 (one) year after the election.

## 11. REPORTING

11.1 *Individual Ward Committee* Members should submit monthly reports using an adopted Monthly Report Template so as to ensure proper servicing of the people of the respective Ward

11.2 The *Ward Councillor* and *individual Ward Committee* Members must submit a report on the activities of the *Ward Committee*, the attendance of meetings, municipal activities, and special assignment of the Ward and on behalf of the Ward and Sectors and make to the MMC Constituency Services and the speaker of Council monthly.

11.3 The Speaker will:

- (a) Submit reports to the relevant Council Committees and Directorates informed by *Ward Committee* recommendations for consideration.
- (b) Report to Council twice a year (mid-term and annually) on the functioning of *Ward Committees* and the extent to which Ward
- (c) Committee decisions and activities are institutionalized.
- (d) Provide feedback to each *Ward Committee* on a quarterly basis on the extent of the adoption and implementation of its recommendations by Council. .
- (e) Submit a monthly report reflecting active members, attendance of meetings by each member and recommendations in respect of those members who need to be reimbursed for a particular month to the Chief Financial Officer and the Executive Director: Corporate Services for processing of such reimbursements.
- (f) *Ward Committee* service delivery related matters must be formally communicated to the relevant MMC by the Speaker and MMC.
- (g) Constituency Services.

## **12. ROLE OF COUNCIL OFFICIALS ON *WARD COMMITTEES***

- 12.1 No municipal officials or public service employees may stand for election on *Ward Committees*.
- 12.2 Should a municipal official wish to stand for election as a *Ward Committee* member, he/she must first resign his/her position as a municipal official.
- 12.3 *Ward Committees* must invite municipal officials within their scope of work and other people with specialised knowledge to advise them on matters affecting their Wards, when deemed necessary.
- 12.4 When the need arises for municipal officials or their directorates to consult with the Ward communities, they must arrange these consultations with the Speaker of Council and MMC or Constituency Services.

### 13. VACATION OF OFFICE AND FILLING OF VACANCIES

#### 13.1 Vacation of Office by *Ward Councillor*

13.1.1 When the *Ward Councillor* is no longer in office, the *Ward Committee* will continue to function for the rest of its term, as determined by Council.

13.1.2 A temporary *Chairperson* must be appointed by the political party that assigned the original *Ward Councillor*.

13.1.3 If the *Ward Councillor* was an independent candidate, the Chief Whip must appoint an interim *Chairperson* from the PR Council/ots assigned to the Ward.

#### 13.2 Vacation of Office by *Ward Committee* Member

13.2.1 In the following events, the *Ward Committee* member must vacate his/her office. If a member:

- (a) absents him-herself from 3 (three) consecutive meetings without an apology;
- (b) absents him-/herself in an ad hoc fashion from 6 (six) consecutive meetings without an apology;
- (c) is proven to be actively involved in campaigns for the removal of the *Ward Councillor* without having raised grievances against the *Ward Councillor* at *Ward Committee* meetings;
- (d) acts in a manner that undermines the authority of the *Ward Councillor*, the Council and/or the *Ward Committee*;
- (e) commits a crime that results in a conviction, without the option of a fine;
- (f) consistently exhibits violent, abusive and intimidatory behaviour towards other *Ward Committee* members and/or the community;
- (g) attends a meeting under the influence of alcohol and/or illegal drugs;
- (h) is proven to have accepted a bribe from any party that has an interest in a development project in that particular Ward; (i) is proven to have used his/her membership of the *Ward Committee* to extract, or attempt to extract, favours of any kind;
- (i) is elected as a Councillor of the *Municipality*;

- (j) without good cause, acts against the decision(s) of the *Ward Committee*;
- (k) is involved in party political canvassing or similar activity during *Ward Committee* meetings;
- (l) resigns;
- (m) dies;
- (n) no longer resides within the relevant Ward;
- (o) is guilty of any infringement of this *Policy*;
- (p) If, after being found guilty of the infringement of this *Policy*, is ordered by the Speaker to vacate his/her office.
- (q) Is ordered to vacate the office by an order of a court of law.

13.2.2 Any vacancy occurring due to the termination of membership must be filled in terms of Clause 9.3.

#### **14. DISPUTE RESOLUTION MECHANISMS FOR WARD COMMITTEES**

14.1 The following dispute-solving mechanisms must be applied:

- (a) Every effort must be made to deal with disputes between the members of a *Ward Committee* internally if the dispute does not involve the *Ward Councillor*.
- (b) When a dispute arises, the *Ward Councillor* must appoint a person or persons amongst the *Ward Committee* members to try and resolve the dispute through mediation.
- (c) If the attempt at mediation fails, the *Ward Councillor* must arbitrate the matter.
- (d) A matter must be referred to the Speaker, if:
  - (i) One of the parties referred to in clause (b) and (c) above is still aggrieved; and
  - (ii) If the dispute involves the Ward Council/or.
- (e) The Speaker must appoint a disciplinary committee to deal with matters of discipline.

## 15. DISSOLUTION OF *WARD COMMITTEES*

### 15.1 Automatic Dissolution

15.1.1 All *Ward Committees* will dissolve on the expiration of the term of office of the current municipal council.

### 15.2 Recommendation by Speaker to Council

15.2.1 Council may dissolve a *Ward Committee* on the recommendation of the Speaker.

15.2.2 The Speaker may recommend to Council the dissolution of a *Ward Committee* when:

- (a) it is found that the *Ward Committee* is failing to fulfil its role and functions;
- (b) the *Ward Committee* does not adhere to this *Policy*;
- (c) the majority of members, 50% (fifty percent) plus one decide to dissolve the *Ward Committee*;
- (d) Maladministration, fraud, corruption or any serious malpractice is occurring or has taken place.

15.2.3 Prior to making a recommendation to Council, the Speaker must:

- (a) investigate the circumstances surrounding the actions of the *Ward Committee*;
- (b) Committee;
- (c) after written notice has been given, afford the *Ward Committee* the opportunity to respond within fourteen (14) days of the date of the notice to the allegation(s) brought against it;
- (d) If, after consideration of the facts and presentations made by the *Ward Committee* in response to the allegation(s), he/she is of the view that the *Ward Committee* must be dissolved on such date as she/he determines, the Speaker must make such recommendation to Council.

15.2.4 After Council has resolved to dissolve the *Ward Committee*, notice of the dissolution of the *Ward Committee* must be given to the *Ward Councillor* and the *Ward Committee*, at which time the *Ward Committee* will cease to exist.

- 15.2.5 A new *Ward Committee* must then be reconstituted, in line with this *Policy*.
- 15.2.6 With the exception of the *Ward Councillor*, members of the *Ward Committee* that has been dissolved will not be eligible for re-election to the *Ward Committee* for a period of one (1) year after its dissolution.
- 15.3 A formal process of dissolution of *Ward Committees* will take place after the term of office has expired

## **16. THE OUTCOMES AND ACTIVITIES OF WARD COMMITTEES**

- 16.1 Outcomes of *Ward Committees*
- (a) enhanced economic and empowerment of communities
  - (b) improved infrastructure and services
  - (c) enhanced local Democracy and accountability
  - (d) enhanced social cohesion nation building, and the integration of communities across class, race, culture and religion
- 16.2 Activities of *Ward Committee*
- (a) organize and attend meetings of the *Ward Committee*, Council,
  - (b) Community, and Sector consultation and feedback meetings
  - (c) receive and record complaints from the community regarding service delivery, payment system and others, and provide feedback on Council's responses
  - (d) visiting relevant sector *organisations* and communities for the purposes of information gatherings, information sharing, Council feedback, intervention, networking, community mobilization, conflict resolution, and other reasons
  - (e) participating in the stakeholder cluster forums;
  - (f) Being represented in the council's study groups by their *chairpersons*;
  - (g) Coordinating ward programmes;
  - (h) Participating in IDP Review and Representative Forum:
  - (i) Information gathering;

- (ii) Identified priorities/reprioritize/add new projects;
- (iii) Attend review exercises;
- (iv) Serve on representative forum to liaise with residents;
- (v) Oversee development projects emerging from the IDP;
- (vi) Attend public IDP meetings;
- (i) Participating in budget processes:
  - i Public hearing per ward.

### 16.3 Functionality Indicators

- (a) The payment of 'out of pocket expenses must be linked to the *Ward Committee* functionality, taking into account the following functionality indicators:

No	Process indicator	Output Indicator	Verifiable source/proof
1	Number of <i>Ward Committee</i> management meetings held and percentage of attendance by members.	Close cooperation between WC members and <i>Ward Councillor</i>	Agenda and minutes of meetings held and filled in the w.c filling system
2	Number of community meetings organised by the <i>Ward Committee</i> and percentage attendance by the ward community.	Community participation in the IDP review sessions and their involvement in the implementation of projects within the ward	Agendas and minutes of meetings held and filled in the <i>Ward Committee</i> filling system.
3	Submission and tabling of ward reports and plans to the council covering: needs and priorities for the ward, feedback on the performance of the councils various line/service functions and their impact on the ward	Submission of ward plans to the Council for consideration during the IDP review process.	Council records
4	Number of door-to-door campaigns and/or interactions with sub-structures including street committees.	Household information and support systems	Reports
5	Number of complaints, queries and requests registered from the community and attended to (checklist of registered community needs and those attended to and the turnaround time)	Reduction of community protests and complaints.	Complaints management system including complaints register.

6	Distributed publications (information brochures, flyers, newsletters, mails, sms and others) over time.	Ward Communication plan.	Copies of communication material and proof of dissemination.
7	Management and updating of ward profiles and database of indigent households.	Quarterly reports on the status of the ward.	Ward Committee filling system
8	Participation in plans and programmes of the <i>Municipality</i> and other spheres of government.	Reports of participation in municipal programmes and other spheres of government.	Reports and the <i>Municipality's</i> ward support offices.

(b) Regular Audits: Quarterly audits must be performed by internal audit or Performance Management Unit to ensure that these functionality indicators are achieved by the *Ward Committees*

## 17. ADMINISTRATIVE ARRANGEMENTS, FUNDING AND REIMBURSEMENT

17.1 The *Municipality* must make administrative arrangements to enable *Ward Committees* to perform their functions and exercise their powers effectively.

17.2 The *Municipality* will use its resources and allocate funds in its budget to the Office of the Speaker to further the objectives of *Ward Committees*, subject to the availability of such resources and funds.

17.3 The Speaker will:

- (a) Provide oversight and support to ensure the effective functioning of *Ward Committees*.
- (b) Ensure that *Ward Committee* meetings are held in accordance with the *Policy*.
- (c) Submit quarterly reports to the relevant Committees of Council.

17.4 Section 77 of the Structures Act states that no remuneration is payable to *Ward Committee* members. The membership and duties of the *Ward*

*Committee* members must therefore be regarded as voluntary service for the benefit of the community.

17.5 The *Municipality*, through the Office of the Speaker, must reimburse *Ward Committee* members for out-of-pocket expenses incurred as a result and during the course of their duties as *Ward Committee* members, to an amount not exceeding RI 000.00 per month, subject to budget availability.

17.6 The payment of out-of-pocket expenses to *Ward Committee* members will be based on:

- (a) Proof of attendance of *Ward Committee* meetings and other special meetings, including special assignments
- (b) Proof that a *Ward Committee* member has been active and interacting with his/her interest group.

## **18. *POLICY REVIEW***

18.1 This *Policy* will be revised every three years, or sooner, as the situation requires.

## **ANNEXURE A: CODE OF CONDUCT FOR *WARD COMMITTEE* MEMBERS**

In order to ensure that *Ward Committee* members fulfill their obligations to the community, the following Code of Conduct will apply —

### **General/ Conduct of Members**

1. A member must —

- (a) Perform the functions of office in good faith, honestly and in a transparent manner; and
- (b) At all times act in the best interest of the *Ward Committee* and in such a way that the credibility and integrity of the *Ward Committee* and that of the *Municipality* is not compromised.

### ***Ward Committee* meetings**

- (a) Committee members must strive to attend all *Ward Committee* meetings,
  - (b) Committee members must not fail to attend *Ward Committee* meetings without a legitimate excuse;
  - (c) Committee members who are unable to attend a *Ward Committee* meeting must tender his or her apology stating reasons why he or she is unable to attend
  - (d) Committee members may not be absent from *Ward Committee* meetings three times in succession without a legitimate excuse
  - (e) Failure to attend three *Ward Committee* meetings in succession without a legitimate excuse will result in a member losing his membership; and
  - (f) Committee members must, refrain from engaging in disruptive behaviour during meetings.
  - (g) Committee must not disrespect public representatives at open meetings; such conduct is disallowed and may subject the *Ward Committee* member to disciplinary action and possible suspension;
  - (h) Attendance of meetings
2. A member must attend each meeting of the *Ward* except when —
- (a) An apology is tendered before or at the meeting;

- (b) Leave of absence has been granted by the *Chairperson* of the *Ward Committee*;
- (c) A member is required in terms of this Code of Conduct to withdraw from the meeting.

### **Disclosure of interest**

- 3. A member must —
  - (a) disclose to the *Ward Committee*, or to any sub-committee of which he or she is a member, any direct or indirect personal or private business interest that that member may have in any matter before the *Ward Committee*; and
  - (b) Withdraw from the proceedings of the *Ward Committee* when the matter is considered by the Committee.

### **Personal gain**

- 4. Members may not use their position as *Ward Committee* members, or confidential information obtained as members, for private gain or to improperly benefit others, except with the prior consent of the Speaker.
- 5. Members may not be party to or beneficiaries under a contract for —
  - (i) The provision of goods or services to the Ward; or
  - (ii) The performance of any work done in the Ward; or
  - (iii) Members may not obtain any financial interest in any business of the *Ward Committee*.

### **Rewards, Gifts and Favours**

- 6. Members may not present, solicit or accept any reward, gift or favour in return for —
  - (a) Voting or not voting in a particular manner on any matter before the
  - (b) *Ward Committee*;
  - (c) Persuading the *Ward Committee* regarding the exercise of any power, function or duty; and
  - (d) Disclosing privileged or confidential information.

### **Unauthorised disclosure of information**

7. A member may not, without the permission of the *Ward Councillor* or a committee of Council, disclose any privileged or confidential information of the *Ward* or *Ward Committee* to any unauthorised person.
8. For the purpose of this clause, "privileged or confidential information" includes, but is not limited to, any information —
  - (a) declared by the Council or *Ward Committee* to be privileged or confidential;
  - (b) that would violate a person's right to privacy; or
  - (c) Declared to be privileged, confidential or secret in terms of law.
9. This clause does not detract from any person's right of access to information in terms of national legislation.

### **Political Matters**

- (a) Committee members should avoid political conflicts among themselves and must also avoid political conflicts between themselves and the *Ward Councillor*;
- (b) in their interaction with the community, committee members must not discriminate on the grounds of political affiliation, culture, race, gender, sexual orientation, disability, religion or on any other grounds that would constitute unfair discrimination;
- (c) In the execution of their duties committee members must not advance the interest of any political party; and
- (d) Committee members may not use *Ward Committee* meetings as a political platform or forum or to canvass for political support for re-election as a *Ward Committee* member or as a *Ward Councillor* in the next local government elections.

### **Conflicts**

- (a) Committee members must avoid conflicts among themselves and between themselves and the *Ward Councillor*;
- (b) Conflicts should be dealt with as provided for in the guidelines.

## **Municipal property**

10. A member may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the *Municipality* to which he has/she has no right.

## **Duty of the *Chairperson* of a *Ward Committee***

11. If the *Chairperson* of a *Ward Committee*, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the *Chairperson* must
  - (a) Authorize an investigation of the facts and circumstances of the alleged breach;
  - (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach; and
  - (c) Report the matter to a meeting of the *Ward Committee* after the provisions of sub-clauses (a) and (b) above have been complied with.
12. A report in terms of Clause 1 1(c) must be open to the public.
13. The *Chairperson* must ensure that each member, when taking office, is given a copy of this Code and that a copy of the Code is on display in every room or at every venue where the *Ward Committee* meets.

## **Breaches of Code**

14. The Speaker may —
  - (a) investigate and make a finding on any alleged breach of a provision of this Code;
  - (b) establish a Special Committee or appoint a person —
    - (i) to investigate and make a finding on any alleged breach of this Code; and
    - (ii) Make appropriate recommendations to Council.
15. If the Special Committee or person appointed to investigate an allegation of breach of the Code finds that a member has breached a provision of this Code
  - (a) a formal warning may be issued to the member;
  - (b) the member may be reprimanded;
  - (c) a request may be made to the Speaker to suspend the member for a period; or

- (d) A request may be made to the Speaker to remove the member from the *Ward Committee*.
16. If the Speaker is of the opinion that the member has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the Speaker may
- (a) suspend the member for a period and on conditions determined by the Speaker; or
  - (b) Remove the member from office.
17. Any member who has been warned or reprimanded in terms of Clause 15(b) may, within fourteen (14) days of having been notified of the decision of the Speaker, appeal to the Speaker in writing, setting out the reasons on which the appeal is based. The Speaker will then convene an Appeal Committee to finalise the matter.
18. A copy of the appeal must be provided to the Speaker.

**Declaration:**

I .....Declare that I have read the code of conduct for members of the *Ward Committee* and that I understand it and agree to be bound by the code of conduct in the execution of my duties and functions as a *Ward Committee* member.

Name of <i>Municipality</i>	Nelson Mandela Metropolitan <i>Municipality</i>
<i>Ward Committee</i> number	
Sector/ WVD represented	
Signature	
Date	